

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-15 are presently pending. No claims are amended, withdrawn, cancelled, or added herein.

Formal Request for an Interview

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Substantive Matters

Claim Rejections under §§ 102 and/or 103

[0006] The Examiner rejects claims 1, 2, 4, 8, 10, 12, and 15 under §102. For the reasons set forth below, the reference relied upon by the Examiner for the §102 rejection is not a valid reference under §102.

[0007] In addition, the Examiner rejects claims 3, 5-7, 9, 11, 13, and 14 under §103. For the reasons set forth below, the primary reference relied upon by the Examiner for the §103 rejections is not a valid reference under §102.

[0008] Accordingly, Applicant respectfully requests that the §102 and/or §103 rejections be withdrawn and the case be passed along to issuance.

[0009] The Examiner's rejections are based upon the following references alone and/or in combination:

- **Mihcak:** *Mihcak, et al.*, US Patent No. 6,996,273 (filed 4/24/01; issued 2/7/06);
- **Chang:** *Chang et al; RIME: A Replicated Image Detector for the World-Wide Web*; and
- **Hull:** *Hull, et al.*, US Patent No. 5,465,353.

Overview of the Application

[0010] The Application describes a technology for generating a hash value that represents an image. Images that are visually distinct are represented by

different hash values while images that are visually similar are represented by identical hash values.

[0011] The Application was filed 7/28/07. However, the Application is a continuation of US Patent Application No. 09/421,986, which is now issued US Patent No. 6,671,407, which was filed 10/19/99. Accordingly, this Application has an effective filing date of 10/19/99, which predates the filing of the Mihcak reference. Consequently, Mihcak is not a valid reference against the Application under §102.

Anticipation Rejections

[0012] Applicant submits that the anticipation rejections are not valid because the Application has an effective filing date prior to the filing date of the reference on which the rejection is based.

Based upon Mihcak

[0013] The Examiner rejects claims 1, 2, 4, 8, 10, 12, and 15 under 35 U.S.C. § 102(e) as being anticipated by Mihcak. Applicant respectfully traverses the rejections of these claims. Based on the reasons given above, Mihcak is not a valid reference under §102, and Applicant asks the Examiner to withdraw the rejection of these claims.

Obviousness Rejections

Based upon Mihcak and Chang

[0014] The Examiner rejects claims 5, 7, 9, 11, and 14 under 35 U.S.C. §103(a) as being unpatentable over Mihcak in view of Chang. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0015] As described above, the Application has an effective filing date prior to the filing date of Mihcak. Accordingly, Mihcak is not a valid reference under §103.

Based upon Mihcak and Hull

[0016] The Examiner rejects claims 3, 6, and 13 under 35 U.S.C. §103(a) as being unpatentable over Mihcak in view of Hull. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0017] As described above, the Application has an effective filing date prior to the filing date of Mihcak. Accordingly, Mihcak is not a valid reference under §103.

Conclusion

[0018] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 9/21/07

By: Kayla D. Brant

Kayla D. Brant
Reg. No. 46576
(509) 324-9256 x242
kayla@leehayes.com
www.leehayes.com

My Assistant: Carly Bokarica
(509) 324-9256 x264
carly@leehayes.com